

FELONY ASSAULT AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig A. Frank

LONG TITLE**General Description:**

This bill increases the penalty for assaulting an EMT, health care provider, or peace officer to a third degree felony. This bill also provides that an assault on a firefighter is a third degree felony.

Highlighted Provisions:

This bill:

- increases the enhanced penalty from a class A misdemeanor to a third degree felony for the offense of assaulting an emergency medical technician or a health care provider;
- increases the enhanced penalty from a class A misdemeanor to a third degree felony for the offense of assaulting a peace officer; and
- provides that assault on a firefighter is subject to an enhanced penalty, which is a third degree felony.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

76-5-102.4, as last amended by Chapter 172, Laws of Utah 1998

76-5-102.7, as last amended by Chapter 141, Laws of Utah 1999



Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-102.4** is amended to read:

76-5-102.4. Assault against peace officer -- Penalty.

(1) As used in this section, "firefighter" means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire-related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires.

~~[(1)]~~ (2) Any person who assaults a peace officer or a firefighter, with knowledge that he is a peace officer or a firefighter, and when the peace officer or firefighter is acting within the scope of his authority as a peace officer or a firefighter, is guilty of a ~~[class A misdemeanor]~~ a third degree felony.

~~[(2)]~~ (3) A person who violates this section shall serve, in jail or another correctional facility, a minimum of:

(a) 90 consecutive days for a second offense; and

(b) 180 consecutive days for each subsequent offense.

~~[(3)]~~ (4) The court may suspend the imposition or execution of the sentence required under Subsection ~~[(2)]~~ (3) if the court finds that the interests of justice would be best served and makes specific findings concerning the disposition in writing or on the record.

Section 2. Section **76-5-102.7** is amended to read:

76-5-102.7. Assault against health care provider and emergency medical service worker -- Penalty.

(1) A person who assaults a health care provider or emergency medical service worker is guilty of a ~~[class A misdemeanor]~~ third degree felony if:

(a) the person knew that the victim was a health care provider or emergency medical service worker; and

(b) the health care provider or emergency medical service worker was performing emergency or life saving duties within the scope of his authority at the time of the assault.

(2) As used in this section:

(a) " Emergency medical service worker" means a person certified under Section 26-8a-302.

59 (b) "Health care provider" has the meaning as provided in Section 78-14-3.

Legislative Review Note
as of 12-17-03 11:38 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel